

REMARKS

Claims 23-42 were pending in this case. Claims 23-42 have been rejected. This response amends the claims as indicated below and cancels claims 34-35 and 40-41. After entrance of this amendment claims 23-33, 36-39 and 42 are in this case.

Telephonic Interview

The undersigned thanks Examiner Bergin for the courtesy of a telephone interview to discuss this case on July 15, 2004. The undersigned pointed out that the Germillion reference did not disclose a primer casing as claimed which comprises "a sleeve portion and a leading portion as integral components of a unitary piece." The interview did not result in removal of any rejection.

The Amendment of the Claims

Claim 23 is being amended to further characterise the primer casing of the present invention. Thus, the primer casing is now defined as comprising an elongate sleeve portion. The fact that the sleeve portion is elongate is believed to be clear from the disclosure of the invention as a whole and, in particular, when one considers the embodiments disclosed in the figures accompanying the application.

Claim 23 is also being amended to indicate that the elongate sleeve portion defines a passage that is adapted to receive and encase a primer when the primer is slidably inserted into the passage. Basis for this amendment comes from page 2, lines 21-25 of the present specification and the figures accompanying the application. In particular, it will be noted that Figures 1 and 2, which illustrate use of a primer casing in accordance with the present invention, show a primer (11) being slidably inserted into a passage defined by an elongate sleeve portion (5) of the primer casing. When positioned in the primer casing, it will be noted that the primer (11) is encased by the sleeve portion (5). Here it will be noted that the end of the primer (11) does not extend beyond and out of the primer casing. This aspect of the amendment to claim 23 characterises the nature of the elongate sleeve portion of the primer casing by reference to the kind of primer that is to be used with the primer casing.

Claim 23 has also been amended to indicate that the primer casing includes a loading hose engagement means, and that this comprises an extension at the end of the elongate sleeve portion (of the primer casing) remote from the nose cone (of the primer casing). This feature is specified in original claim 34. Basis is also provided for in the paragraph bridging pages 5 and 6 of the present specification.

Claim 24 is being amended to indicate that the elongate sleeve portion defines a passage that is adapted to receive and encase a primer in the form of a cylindrical cartridge. It will be appreciated that the claim as amended simply characterises the nature of the elongate sleeve portion by reference to the kind of primer that the sleeve portion is adapted to receive and encase. This amendment is consistent with the amendments being made to claim 23.

A minor amendment is being made to claim 25 for consistency with the amendments being made to claims 23 and 24 with respect to characterising the sleeve portion by reference to the kind of primer that may be used with the primer casing of the invention.

Claim 26 is being amended to further characterise the primer retaining means. More specifically, the claim has been amended to make clear that the primer retainer means is a feature of the primer casing of the invention that is adapted to retain a primer when the primer is slidably inserted into the sleeve portion such that the sleeve portion encases the primer. The claim as amended is believed to more clearly reflect the intended function of the primer retaining means. Basis for the amendment may be found at, for example, in the paragraph bridging pages 2 and 3 of the present specification. It should also be noted that the figures accompanying the specification illustrate an embodiment in which the primer casing comprises a primer retaining means in the form of over centred tabs (6) that are adapted to retain a primer when slidably inserted into the sleeve portion such that the sleeve portion encases the primer.

Claims 34 and 35 are being cancelled as redundant in view of other amendments to the claims.

Claim 36 is being amended to depend from claim 23 and to further characterise the sleeve portion adapted to engage the end of a loading hose. The amendments to claim 36 are consistent with the amendments being made to claim 23.

Claim 37 is being amended to indicate that the primer casing of the invention further comprises a means for preventing contact between a primer when encased by the sleeve portion and a loading hose when the loading hose is engaged by the sleeve portion. This is believed to reflect more clearly the function of the means stated in the claim. The amendment is believed to be supported by, for example, at page 6 lines 8-10 of the specification and by the figures accompanying the application. In the embodiment shown in the figures over centred tabs (6) are used to prevent contact between a primer when inserted into the sleeve portion and a loading hose when the loading hose is used to position the primer casing in a blasthole.

Claim 39 is being amended to refer to the primer casing being positioned using a loading hose. This is consistent with the amendment to claim 1 to indicate that the primer casing includes a loading hose engagement means. Reference to claims 34 and 35, now cancelled, is also being removed from the dependency of claim 39.

Claims 40 and 41 are being cancelled without prejudice

Claim 42 is being amended to refer to previous claims defining the primer casing. Claim 42 is now a multiply dependent claim.

These amendments do not add new matter to the specification and are fully supported in the application as filed.

The Amendment to the Specification

The specification has been amended at page 8 to correct a clerical error and replace refer properly to the legs in Fig. 1 by reference number 2. Reference number 2 refers to the blasthole engagement means which are in the form of projecting legs. Reference number refers also to the legs. Reference number 4 refers to the passage in the primer casing. This amendment does not add new matter to the specification.

The Objection to the Specification

The specification has been objected to because the reference number 4 has been used to refer to two different device elements. Applicants have amended the specification at page 8 to correct an obvious clerical error. The objection to the specification should be withdrawn.

The Rejections

Claims 24-26, 36, 37 and 39-42 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 24-26 and 37, the Examiner comments that these claims attempt to positively claim the primer which had not previously been claimed in independent claim 23. In response to this rejection, claims 24-26 and 37 are being amended to make clear that the primer casing does not actually include a primer. However, in these claims the primer casing is characterised by reference to the kind of primer to be used with the primer casing, and this is believed to be acceptable in the context of the present invention. The claims as amended are believed to obviate the Examiner's rejection.

A similar issue arises in connection with claims 36 and 37. Thus, these claims are being amended to make clear that the loading hose is not actually being claimed as a component feature of the primer casing. Rather, the loading hose is referred to in claims 36 and 37 as a way of characterising the primer casing by reference to the loading hose that would be used during use of the primer casing. In the circumstances, it is not believed appropriate to include in claims 36 and 37 any particular dimensions for the loading hose, or of the portion of the primer casing that engages the loading hose. Reconsideration and withdrawal of the rejection to claims 36 and 37 is respectfully requested.

With respect to claims 39-42 the Examiner states that none of the claims to the primer casing positively claim a primer in the casing. It is submitted that the

amendments being made to the claims to the primer casing and the arguments above make clear that a primer as such is not being claimed, and that the claims relate to an unloaded primer casing. The method claims included in the present specification are believed to be consistent with this in that the method clearly requires the step of inserting a primer into a primer casing as claimed. The primer casing, loaded with primer, is then positioned into a blasthole. It is submitted that the amendments being made to the claims obviate the rejection. It is also noted that claims 40 and 41 have been cancelled.

The Examiner has rejected claims 23-39 under 35 USC 102(b) is being anticipated by Gremillion (US 5,343,002 A). Applicants respectfully traverse this rejection. Reconsideration and withdrawal of the rejection are respectfully requested. It is submitted that the primer casing of the present invention is fundamentally different from the invention disclosed by Gremillion.

The present invention as claimed relates to a primer casing, i.e., a casing for receiving a primer. As per amended claim 23, the primer casing of the invention comprises an elongate sleeve portion and a leading portion as integral components of a unitary piece, and a loading hose engagement means. It is important to note that the elongate sleeve portion defines a passage that is adapted to receive and encase a primer when the primer is slidably inserted into the passage. It will be appreciated from this that, in use, a primer is inserted into and encased (surrounded) by the sleeve portion of the primer casing. This is clearly illustrated in the embodiments shown in Figures 1 and 2 accompanying the present application. Thus, Figure 1 illustrates insertion of a primer (11) into a primer casing (1). More specifically, the primer (11) is inserted into an elongate sleeve portion (5) that defines a passage that is adapted to receive and encase the primer when the primer is slidably inserted into the passage. It is clear from Figure 2 that when positioned in the primer casing (8) the primer (11) is completely surrounded by the sleeve portion (5) of the primer casing.

It is also a feature of the primer casing defined by claim 23 that it includes a loading hose engagement means comprising an extension at the end of the elongate sleeve portion remote from the nose cone. As an extension of the elongate sleeve

portion, it should be clear that the loading hose engagement means forms a part of the primer casing that is remote from the nose cone and that would be "behind" the end of a primer when inserted into the primer casing during use. This is more easily visualised with reference to Figure 2 accompanying the present application. Figure 2 shows a loading hose engagement means (7) that comprises an extension at the end of the elongate sleeve portion (5) remote from the nose cone (8). The loading hose engagement means (7) is located "behind" the primer (11) and remote from the nose cone (8).

The primer casing defined by claim 23 also comprises a blasthole engagement means as an integral part of the sleeve portion, and a leading portion that comprises a nose cone.

All of the features defined by claim 23 have significance when the primer casing of the present invention is used in practice.

As explained in the present specification, the primer casing of the invention is used to position a primer in a pre-existing blasthole. To this end, the primer casing is specifically designed to receive and encase a primer, although the exact construction of the sleeve portion of the primer casing in this regard may vary depending upon the shape and configuration of the primer that is to be used. This is clearly explained at page 2 lines 21-25 of the present specification. After having been loaded in the primer casing, the primer may be positioned in a blasthole by loading of the primer casing into the blasthole. This may be achieved using a loading hose and the primer casing is specifically adapted to engage the end of the loading hose to facilitate loading. This is also clearly reflected in the wording of claim 1.

During loading of a blasthole, the nose cone of the primer casing is intended to allow ease of movement of the primer casing by guiding the casing around or past obstructions and/or discontinuities in a blasthole wall. This is explained in the first paragraph on page 5 of the present specification. Additionally, the blasthole engagement means of the primer casing of the invention is intended to assist in preventing unintentional withdrawal/movement of the primer casing when the primer casing (and thus the primer) is loaded in a blasthole.

It is submitted that the disclosure of Gremillion does not teach a "primer casing" having the particular combination of features called for in claim 23 of the present application.

Gremillion teaches a disposable point to which an explosive charge may be attached. However, it is clear from the figures in Gremillion that the disposable point is simply attached to one end of an explosive charge, with the remainder of the explosive charge being exposed. This is clearly illustrated in Figures 2 and 3 of Gremillion. Figure 3 discloses an explosive charge (38) in the form of a preformed rigid, generally cylindrical structure having spiral threads (46) provided at one end (see column 3 lines 39-43). The disposable point disclosed in Gremillion includes a cylindrical body (26) into which the threaded end of the explosive charge (38) is fitted. This is clearly explained at column 3 lines 39-55. Thus, it is believed to be clear that the disposable point disclosed in Gremillion does not include "a sleeve portion that defines a passage that is adapted to receive and encase a primer when the primer is slidably inserted into the passage" (see claim 1 as amended).

In this regard, it is even doubted whether the disposable point taught in Gremillion could be correctly described as a "casing". The disposable point taught in Gremillion simply attaches to one end of the explosive charge and does not encase the explosive charge. This difference is believed to be reflected in claim 23 of the present application by the clear statement that the primer casing includes an elongate sleeve portion that defines a passage that is adapted to receive and encase a primer when the primer is slidably inserted into the passage. There is no such sleeve portion in the disposable point taught in Gremillion.

The disposable point taught in Gremillion also differs from the primer casing of the present invention in the manner in which it is positioned in the ground during use. As a preliminary point though it is important to note that the disposable point taught in Gremillion is not actually positioned in a pre-existing blasthole. In contrast, it is clear from column 1 lines 6-16 and lines 43-52 that the disposable point of Gremillion is actually used to form a hole for the explosive charge. In contrast, the primer casing of the present invention is used to position a primer in a pre-existing blasthole.

When it comes to positioning the disposable point in the ground, Figure 2 in Gremillion illustrates how this may be achieved. Thus, a pipe having a suitable internal diameter to telescope over the explosive charge is used to engage a shoulder portion on an internal surface of the disposable point. In Figure 2, the pipe is denoted 22 and the end of the pipe contacts a shoulder 30 provided on the inside surface of the disposable point. In contrast, in the present invention the primer casing includes a loading hose engagement means comprising an extension at the end of the elongate sleeve portion remote from the nose cone. In use, as the sleeve portion of the primer casing of the present invention encases a primer, it follows that the loading hose engagement means referred to must be located beyond the end of the primer (see Figure 2 of the present application).

In view of the above discussion, it is believed to be clear that the primer casing as defined by claim 23 is fundamentally different from the disposable point disclosed in Gremillion.

With respect to claim 24, Gremillion does not teach an elongate sleeve portion that is adapted to receive and encase a primer. Similarly, Gremillion does not teach a sleeve portion that defines a cylindrical passage into which a primer may be slidably inserted.

With respect to claim 26 of the present application Gremillion does teach means for securing the disposable point to the end of an explosive charge. However, the disposable point of Gremillion does not include an elongate sleeve portion into which the explosive charge is slidably inserted and encased. The primer retaining means defined in claim 26 of the present application is defined by reference to such features. Accordingly, Gremillion does not teach the kind of primer retaining means called for in claim 26 of the present application.

With respect to claim 27, any similarity with the disposable point of Gremillion is believed to be entirely incidental, and irrelevant given the significant differences between the disposable point of Gremillion and the primer casing of the present invention.

With respect to claims 28-33 of the present application, it is submitted that Gremillion does not teach an elongate sleeve portion as required of the primer casing of the present invention. Therefore, there can be no disclosure in Gremillion of blasthole engagement means comprising a projection from an elongate sleeve portion.

Claims 34 and 35 have been cancelled obviating the rejection with respect to these claims.

With respect to claims 36 and 37 of the present application, these claims simply characterise further the nature of the loading hose engagement means of the primer casing of the invention. As the loading hose engagement means as specified in claim 23 of the present application is fundamentally different from the type of loading arrangement disclosed in Gremillion, it is submitted that claims 36 and 37 are novel when compared with the disclosure of Gremillion.

With respect to claim 38 of the present application, Gremillion does not teach an elongate sleeve portion as called for in claim 23. Therefore, Gremillion does not teach a number of apertures in an elongate sleeve portion.

With respect to claim 39 of the present application, Gremillion does not teach a primer casing as called for in the claims of the present application. Therefore, there is no disclosure of any use of such a primer casing.

In view of all the foregoing, this rejection should be withdrawn.

Claims 40-42 have been rejected under 35 USC 103(a) as being unpatentable over Gremillion. Applicants respectfully traverse this rejection. Reconsideration and withdrawal of the rejections are respectfully requested.

As explained above, the primer casing as claimed in the present application is fundamentally different from the kind of disposable point taught in Gremillion. Gremillion does not teach or suggest modifications to the disposable point disclosed that would result in a primer casing as claimed in the present application. It follows from this that the primer casing of the present invention, or any use of it, is not be obvious from Gremillion.

The rejection of claims 40 and 41 is obviated by cancellation of these claims.

Conclusion

This amendment is accompanied by a Petition for Extension of Time of two months and a check in the amount of \$420.00. It is believed that payment for one additional dependent claim is required. (Reference to 7 additional claims was added to multiply dependent claims 42, reference to 2 claims was removed from multiply dependent claim 39 and four dependent claims were cancelled.) A check in the amount of \$18.00 is enclosed for the claim fee. If the enclosed amount is incorrect, please charge any deficiency or credit any overpayment to deposit account 07-1969.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sally A. Sullivan", with a long horizontal flourish extending to the right.

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